

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	4:04CR3091
v.	)	
	)	
MARK A. KILPATRICK,	)	
	)	MEMORANDUM AND ORDER
Defendant.	)	
_____	)	

A request has been received from the U.S. Probation Officer supervising Defendant Kilpatrick that he be given early termination of probation. (Because the request was not filed, I shall have it filed with this order). The government opposes the request.

The release states that the defendant has been on probation since July 27, 2004; however, this is incorrect. The judgment of probation was stayed pending appeal, and the appellate decision was filed on December 7, 2004. See, Filings 44 and 45. Thus, while it is true that defendant has been on probation at least one year, he has been on it less than half of the ordered term. I am not inclined to reduce or eliminate the hunting ban previously ordered.

IT THEREFORE HEREBY IS ORDERED,

1. The clerk shall file the request of the U.S. Probation Office, under seal.

2. The request of the U.S. Probation Office is denied.

DATED this 14<sup>th</sup> day of March, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge